

APPEAL NO. 023117
FILED JANUARY 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 5, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____; that the respondent (carrier) is relieved of liability under Section 409.002 because of the claimant's failure to timely notify his employer pursuant to Section 409.001; and that the claimant had no disability. The claimant appealed the hearing officer's injury, disability, and notice determinations, and the carrier responded, urging affirmance.

DECISION

Affirmed.

The claimant testified that he injured his back while lifting a generator at work on _____. The claimant testified that he reported his injury to his supervisor, however the supervisor ignored his claimed injury. The claimant stated that he continued to work at a lighter duty. There was conflicting evidence regarding an assault that took place on January 8, 2002, and the claimant did not return to work after that date. The claimant testified that he first sought medical treatment for his back on April 4, 2002, and that he filed a workers' compensation claim on May 13, 2002.

Injury, disability, and timely notice to the employer are questions of fact for the hearing officer to decide. Conflicting evidence was presented on the disputed issues. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. When reviewing a hearing officer's decision for factual sufficiency of the evidence we will reverse the decision only if it is so contrary to the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986). Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Robert W. Potts
Appeals Judge